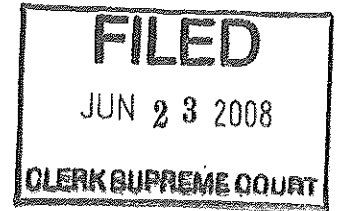


IN THE SUPREME COURT OF IOWA

O R D E R



**REQUEST FOR PUBLIC COMMENT
REGARDING PROPOSED AMENDMENTS
TO RULES OF CRIMINAL PROCEDURE 2.4(6) and 2.5(3)**

At the request of this court, the Supreme Court Advisory Committee on Rules of Criminal Procedure reviewed Iowa Rules of Criminal Procedure 2.4(6) and 2.5(3) regarding certain information about a witness that must be provided in the minutes of evidence. After careful consideration of the rules and related issues, the committee has recommended that the court amend both rules. Now, the court seeks public comment on the proposed amendments.

Copies of the proposed amendments can be found at—www.judicial.state.ia.us/Supreme_Court/Orders/. In addition, copies are available at the office of the Clerk of the Supreme Court.

Any interested organization, agency, or person may submit written comments by July 23, 2008. Comments may be e-mailed to **rules.comment@jb.state.ia.us**, must state **“Criminal Rules”** in the subject line of the e-mail, and **must be sent as an attachment to the e-mail in Microsoft Word format**. Comments about a proposed rule shall refer to the specific rule number to which the comments are directed. Comments may also be mailed to the Clerk of the Supreme Court, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Dated this 23rd day of June, 2008.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha Ternus, Chief Justice

CHAPTER 2

IOWA RULES OF CRIMINAL PROCEDURE

Rule 2.4 Indictment.

* * * *

2.4(6) Minutes.

a. Contents. A minute of evidence shall consist of a notice in writing stating the name, place of residence, ~~and occupation of the witness~~ or place of business of the witness upon whose testimony the indictment is found, and a full and fair statement of the witness' testimony before the grand jury and a full and fair statement of additional expected testimony at trial.

b. Copy to defense. Such minutes of evidence shall not be open for the inspection of any person except the judge of the court, the prosecuting attorney, or the defendant and the defendant's counsel. The clerk of the court must, on demand made, furnish the defendant or his or her counsel a copy thereof without charge.

c. Minutes used again. A grand jury may consider minutes of testimony previously heard by the same or another grand jury. In any case, a grand jury may take additional testimony.

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Rule 2.5 Information.

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2.5(3) Witness names and minutes. The prosecuting attorney shall, at the time of filing such information, also file the minutes of evidence of the witnesses which shall consist of a notice in writing stating the name, place of residence ~~and occupation~~ or place of business of each witness upon whose expected testimony the information is based, and a full and fair statement of the witness' expected testimony.

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